IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.21738 of 2008
MD.SAGIR IRAQUI
Versus
THE STATE OF BIHAR

2/ 26.08.2008 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State.

Informant's son Sahjah was sitting outside his house. Petitioner who is neighbour of the informant and others were joking among themselves. This was protested and thereafter the informant's son was assaulted. One of the named accused Ashok Kumar came with pistol and the petitioner armed with iron rod assaulted the informant's son. The informant's son was brought to the hospital and a case under Section 307 of the Indian Penal Code was registered on 04.12.2007 with regard to an occurrence of 24.11.2007. The informant's son was died and Section 302 of the Indian Penal Code was added vide order dated 13.12.2007.

WEB COPY NOT OFFICIAL

Submission is that one of the accused was armed with pistol but he did not fire, which goes to show that there was no intention to cause death of the deceased and therefore the case comes in the purview of Section 304 Part-II of the Indian Penal Code because the deceased died after 12 days in the P.M.C.H. There is no explanation

why the matter was reported after such a long delay.

Considering the facts and circumstances of the case, the petitioner Md. Sagir Iraqui is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 31/2007.

kksinha/ **(Shyam Kishore Sharma, J.)**

WEB COPY NOT OFFICIAL